

EVENT VIOLATION
INSPECTOR'S STATEMENT
MINERALS REGULATORY PROGRAM

Company/Mine: Gold Star Stone, Inc
Permit #: M/003/050

CO # MC-05-01-17(1)
Violation # 1 of 1

SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input checked="" type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: Operations on an area outside the approved permit area were being conducted. Approximately 2.1 acres have been affected by mining and 0.65 acres affected by new access road.

2. Has the event or damage occurred? Yes
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Prior to submitting an amendment to the existing operations, new disturbance and access road was observed outside the current approved permit.

3. Did any damage occur as a result of the violation? Yes
4. If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: An additional 2.75 acres outside the previous approved permit area has been disturbed. Disturbance is typical of permitted activities for this site.

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B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The operator had recently submitted an amendment to his plan in the general area. However, the location of the amendment is north and east (and on the other side of the ridge) from where this disturbance is located. Where the operator had taken the inspector to the proposed location of the amendment in June of 2005, this could not be considered a mapping error.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of a specific permit condition?
- Explanation: _____

- ☒ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: On October 21, 2004, cessation order MC-04-01-07(1) was issued for conducting mining operations outside the permit area.

Was any economic benefit gained by the operator for failure to comply? No.
If yes explain.

Explanation: The operator indicated that he since he had a 2-acre amendment approved he would be OK if he didn't operate exactly where the amended area was located. As he prepared to start the quarry, he thought it was a better location to begin rather than the area indicated in the amendment.

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GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: _____

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: The plan needs to be revised to show the correct location of the pit, as well as include the additional acreage.

Lynn Kunzler
Authorized Representative


Signature

December 5, 2005
Date

LK:jb
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